

AO 91 (Rev. 08/09) Criminal Complaint

Special Agent

: Jay V. Ratermann, HSI

Telephone: 734-941-5784

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

ORIGINAL 1

United States of America,

Plaintiff,

v.

TIMOTHY PAUL BARTH

Case:2:16-mj-30564

Judge: Unassigned,

Filed: 12-13-2016 At 10:17 AM

IN RE:SEALED MATTER(CMP)(MLW)

Defendant(s).

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief:

On or about the date(s) of April 20, 2016, in the county of Washtenaw
in the Eastern District of Michigan, the defendant(s) violated:

Code Section

18 U.S.C. Section 2252A(a)(5)(B)

18 U.S.C. Section 2252A(a)(2)

Offense Description

Possession of Child Pornography

Receipt of Child Pornography

This criminal complaint is based on these facts:

See attached affidavit

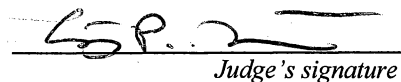


Continued on the attached sheet.


Complainant's signatureJay V. Ratermann, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: December 13, 2016
Judge's signatureCity and state: Detroit, MichiganANTHONY P. PATTI, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

I, Jay V. Ratermann, being first duly sworn, state as follows:

INTRODUCTION

1. I am currently employed as a Special Agent for the U.S. Department of Homeland Security (DHS), ICE Homeland Security Investigations (HSI) at the Detroit Metropolitan Airport in Romulus, Michigan. I have been employed as a Special Agent since August 9, 2001. During the course of my career, I have received extensive training in the methods used by alien smugglers, drug traffickers, money laundering organizations, and child exploitation offenders. I have participated in numerous arrests for various violations of law; as well as numerous seizures of narcotics and other contraband; and seizures of currency, monetary instruments, computer equipment, and business and financial records. I have interviewed multiple subjects who possessed, distributed, manufactured, and received child pornography images. Along with other agents, I am responsible for enforcing federal criminal statutes involving the sexual exploitation of children pursuant to Title 18 United States Code, Sections 2251 and 2252A.

2. This affidavit is made in support of a criminal complaint and arrest warrant for TIMOTHY PAUL BARTH, date of birth XX/XX/1950, for receipt and possession of child pornography in violation of 18 U.S.C. § 2252A(a)(2), (a)(5)(B).

3. This affidavit is being submitted for the limited purpose of securing the complaint described above; therefore, this affidavit does not contain every fact that I have learned during the course of the investigation. I have set forth only those facts necessary to establish probable cause to believe that TIMOTHY PAUL BARTH has violated 18 U.S.C. §§ 2252A(a)(2), (a)(5)(B). The information contained in this affidavit is based upon my personal knowledge, training and experience, as well as the combined training and experience of other law enforcement officers and agents with whom I have had discussions.

4. Pursuant to the provisions of 18 U.S.C. § 2252A, it is a federal crime for any person to knowingly possess, receive or distribute child pornography that has been mailed, shipped or transported in interstate or foreign commerce, or which contains materials which have been mailed, or has been shipped or transported, by any means including a computer, or to knowingly reproduce any visual depiction for distribution in interstate or foreign commerce by any means including a computer or through the mail. Pursuant to 18 U.S.C. § 2256, "child pornography," as used in this affidavit, means any visual depiction, including any photograph, film, video, picture, or computer or computer generated image or picture of sexually explicit conduct where the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct.

PROBABLE CAUSE

5. On April 24, 2016, Pittsfield Township MI Police Department (PTPD) responded to Best Buy, located at 3100 Lohr Rd, Ann Arbor MI. Best Buy employees reported to PTPD that on April 20, 2016, TIMOTHY PAUL BARTH had requested Best Buy repair assistance with a Dell Inspiron E1405 laptop (BARTH's laptop) as it was "malfunctioning during startup." BARTH left his laptop in Best Buy custody for this purpose. During repair, Best Buy employees discovered the presence of child pornography images on BARTH's laptop. PTPD subsequently seized BARTH's laptop.

6. On May 4, 2016, PTPD obtained a search warrant for BARTH's laptop. This investigation, warrant, and laptop were then turned over to a computer forensics detective of the Washtenaw County Sheriff's Office (WCSO) for further action.

7. On May 10, 2016, the WCSO requested the assistance of an HSI Computer Forensics Agent (CFA) in previewing the laptop. The resulting preview, conducted that same day, revealed approximately 340 reviewed and verified images of child pornography, depicting children ranging in age from infant to prepubescent in explicit sexual acts, including bondage.

8. On September 15, 2016, the WCSO provided your affiant with the forensic results of for BARTH's laptop. The WCSO forensic process resulted in the discovery of approximately 3,729 images of child pornography on BARTH's

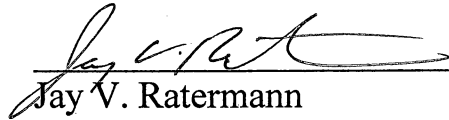
laptop. Your affiant had occasion to review the results of the WCSO forensics for investigative purposes, and found the images discovered and referenced do constitute images of child pornography. Among the images, your affiant noted the following:

- a. An image bearing the label "Dell.E01\ (NTFS, 3)\Users\Owner\Desktop\00408-289188096\Users\Timothy P Barth MD\AppData\Local\Packages\Microsoft.MicrosoftEdge_8wekyb3d8bbwe\AC\#!001\MicrosoftEdge\Cache\IGV3ZTXU\008[1].jpg". This image is of a white female juvenile of approximately seven (7) years of age performing oral sex on the penis of an adult male.
- b. An image bearing the label "Dell.E01\ (NTFS, 3)\Users\Owner\Pictures\18.png". This image is of a white female juvenile of approximately two to four (2-4) years of age with a yellow and white striped dress pulled up to display her genital area in a lewd and lascivious manner. The image is focused on the girl's genitalia, and the girl is being vaginally penetrated by what appears to be a vibrator.
- c. An image bearing the label "Dell.E01\ (NTFS, 3)\Users\Owner\Pictures\2\1360039172377.jpg". This image is of

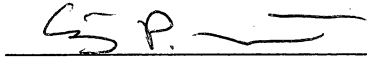
a white female juvenile of approximately three (3) years of age with a red and black plaid dress pulled up to display her genital area in a lewd and lascivious manner. The girl is performing oral sex on the penis of an adult male.

- d. An image bearing the label "Dell.E01\ (NTFS, 3)\Users\Owner\Pictures\2\271.jpg". This image is of a white female juvenile of approximately six (6) years of age performing oral sex on the penis of an adult male in blue shorts.
- e. An image bearing the label "Dell.E01\ (NTFS, 3)\Users\Owner\Pictures\aaaa\444.jpg". This image is of a white female juvenile of approximately five (5) years of age lying nude on a white sheet with what appears to be ejaculate on her abdomen. The penis of an adult male in a purple shirt appears in the image in proximity of the girl's vagina.

9. Based on the foregoing, there is probable cause to believe that TIMOTHY PAUL BARTH has possessed and received child pornography, in violation of 18 U.S.C. § 2252A(a)(2), (a)(5)(B).


Jay V. Ratermann
Special Agent, HSI

Subscribed and Sworn
Before me this 13th day of December 2016



UNITED STATES MAGISTRATE JUDGE